

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

vs.

*

CASE NO. RDB-11-00547

NICKY CASH

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**MOTION FOR PROMPT MEDICAL EVALUATION
AND APPROPRIATE TREATMENT OF DETAINEE**

COMES NOW the defendant, NICKY CASH, by and through undersigned counsel, and requests that this court enter an Order requiring the United States Marshal and/or his contracting agencies to cause the defendant to receive an immediate medical evaluation, including a mammogram, and follow-up medical care from an appropriate health care provider. The grounds for this relief are as follows:

1. The defendant is a 46 year-old female who has been detained at the Maryland Correctional Adjustment Center (MCAC) since her initial appearance on November 2, 2011. Her trial is not scheduled to commence until April 2013.
2. On or about January 27, 2012 she received a medical evaluation at MCAC, during which abnormal lumps were discovered to be developing in her breasts. She was told by medical personnel at MCAC that a diagnostic mammogram would be scheduled immediately. On Friday, February 17, 2012 she was transported to a medical clinic, but when she arrived there she was told that she had been scheduled for a pregnancy test rather than a mammogram. Since she is clearly not pregnant, the

defendant was returned to MCAC without any examination or explanation regarding when, if ever, she will receive a mammogram and appropriate follow-up medical care.

3. Ms. Cash has a history of cancer on both sides of her family. Her father died of colon cancer when he was in his mid fifties. Her mother, who is now in her 60's, is currently suffering from lung cancer. Given this history, Ms. Cash is faced with an elevated risk of developing cancer.

4. The American Cancer Society recommends that a woman should report any breast change promptly to her health care provider and that an annual mammogram is recommended at age 40. The American Cancer Society recommends further that women with a family history, genetic tendency, or certain other risk factors for cancer, be screened by MRI in addition to mammograms. Early detection is essential to prolonging life.

5. Counsel for Ms. Cash has e-mailed Katrina J. Dennis, Esq. at Kramon & Graham, P.A. (Kdennis@kg-law.com), counsel for the medical provider at MCAC, requesting that Ms. Cash's medical records be assembled and made available for review by the Court at the earliest possible time.

WHEREFORE the defendant requests:

A. A prompt hearing on this motion if the Court is not inclined to issue a forthwith medical order without a hearing;

B. An Order providing that the United States Marshal and/or his contracting agencies shall:

- (1) Cause the defendant to promptly receive an evaluation, including a mammogram and other cancer screening, by an appropriate health care provider;
 - (2) Cause the defendant to receive care and treatment consistent with the standard of care for the illness(es) and/or condition(s) revealed by the evaluation;
 - (3) Make appropriate records and reports concerning all illnesses, conditions, and treatment, and, if requested, provide same to the Court; and,
 - (4) Deliver a copy of any medical order to the personnel in charge of the defendant at her place of detention. and,
- (C) Such other and further relief as the nature of the defendant's cause and justice may require.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of February, 2012 a copy of the foregoing Motion for Prompt Medical Evaluation and Appropriate Treatment of Detainee was electronically filed via the CM/ECF system with access and notice to all interested parties.

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HARRY J. TRAINOR, JR.

Counsel for Nicky Cash